

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS

DIVISION

FILED 7/11/23
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 18 2023
ORIGINALLY

STEVEN EDISON # 2443343
Plaintiff's Name and ID Number

BY
DEPUTY _____

~~TEXAS DEPT CRIMINAL JUSTICE~~ 2811 Public Rd. Low Risk Jail
Place of Confinement
TYLER, TX 75702

CASE NO. 6:23 CV 512 JDK/PDL
(Clerk will assign the number)

v.

SMITH COUNTY
Defendant's Name and Address

DEPUTY BRIAN HUTCHINS 227 N. SPRING AVE TYLER TX 75702
Defendant's Name and Address

DEPUTY ROBERT GARCIA 227 N. SPRING AVE TYLER TX 75702
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

GRANT YARBEERRA FEMALE DEPUTY 027, N SPRINK AVE TYLER TX
75702

SHERIFF LARRY SMITH 027, N, SPRINK AVE TYLER TX 75702

SEPERATE CLAIMS

- #1 DEPUTY BRIAN HUTCHINS FOR "ASSAULT" ON VICTIM OF OVERDOSE. HIS BODY CAM SHOWS A 6-8 SEC VIDEO OF ME LAYING IN FLOOR @ CENTRAL JAIL STILL HANDCUFFED BEHIND BACK SCREAMING MY WRIST - MY WRIST. AT THAT EXACT MOMENT IN TIME I SHOULDVE BEEN @ HOSPITAL GETTING EMERGENCY MEDICAL AID FOR SEVERE OVERDOSE. IF SMITH COUNTY SHERIFF'S DEPT POLICY AND PROCEDURE WOULD HAVE BEEN FOLLOWED FOR VICTIM OF OVERDOSE.

✓ PRISON LITIGATION REFORM ACT (PLRA)

THIS CIVIL RIGHTS VIOLATION DID OCCUR OUTSIDE ANY JAIL OR STATE INSTITUTION. IT OCCURRED @ 17201 TRANQUILITY DR, FLENT, TX 75762 @ THE PRIVACY OF THE HOME I WAS LIVING IN. SO I DONT FEEL THE "PLRA" GUIDELINES APPLY TO MY SITUATION. WHAT IM IN TDCJ NOW FOR IS UNRELATED TO THE ARREST ON 4-22-2022.

- * I TRIED TO FILE GRIEVANCES ON THIS ISSUE THRU SMITH COUNTY JAIL. I WAS INFORMED THAT IT DID NOT HAPPEN INSIDE THE JAIL.
- * SMITH COUNTY JAIL USES A KIOSK COMPUTER SYSTEM. THE GRIEVANCES I DID FILE WITH ANSWERS ARE ON FILE THERE. I WAS REFUSED COPIES.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked “**NOTICE TO THE COURT OF CHANGE OF ADDRESS**” and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? J YES NO

- B. If your answer to “A” is “yes”, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2-1-21

2. Parties to previous lawsuit:

Plaintiff(s) STEVEN EDISON

Defendant(s) Anderson County, T. Pierson, T. Chate, M. Wickersham, R. Jones

3. Court: (If federal, name the district; if state, name the county.) ~~T. GRAY~~ EASTERN

4. Cause number: _____

5. Name of judge to whom case was assigned: JOHN D. LOVE

6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed

7. Approximate date of disposition: 2/2020

- II. PLACE OF PRESENT CONFINEMENT: TDCJ
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:
- Have you exhausted all steps of the institutional grievance procedure? YES ☒ NO
- Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: STEVEN EDISON # ~~2413343~~ LOW Risk Jail
2811 Public Rd
~~6101 E. RICHMOND AVE~~ TYLER, TX 75702
~~1700 N. SPRING AVE~~ ~~BONHAM, TX 75418~~

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Brian HUTCHINS, DEPUTY, SMITH COUNTY SHERIFF DEPT,
227. N. SPRING AVE TYLER TX 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
violated 5th, 14th, 8th Amendments, "ASSAULT", CONSPIRACY AGAINST RIGHTS
DENIED RIGHTS TO medical Aid

Defendant #2: ROBERT GARCIA, DEPUTY, SMITH COUNTY SHERIFF DEPT,
227. N. SPRING AVE TYLER, TX 75702

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
5th, 14th, 8th Amendments, DENIED RIGHT TO MEDICAL AID, CONSPIRACY AGAINST RIGHTS

Defendant #3: GRANT YARBERRY, DEPUTY, SMITH COUNTY SHERIFF DEPT
227. N SPRING AVE TYLER TX 75702

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
5th, 14th, 8th Amendments, DENIED RIGHT TO MEDICAL AID, CONSPIRACY AGAINST RIGHTS

Defendant #4: SHERIFF LARRY SMITH, SMITH COUNTY SHERIFFS DEPT.
227. N. SPRING AVE TYLER TX 75702

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
5th, 14th, 8th Amendments, CONSPIRACY AGAINST RIGHTS

Defendant #5: SMITH COUNTY, TEXAS

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

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CIVIL RIGHTS VIOLATIONS

42 USCS § 1985 CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS
42 USCS § 1981 EQUAL RIGHTS UNDER THEIR LAW
42 USCS § 1343 CIVIL RIGHTS AND ELECTIVE FRANCHISE
42 USCS § 1988 PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS
5TH, 14TH, 8TH AMENDMENTS

CONSTITUTIONAL RIGHTS OF PRISONERS "NINTH EDITION"

CHAPTER 11 USE OF FORCE

§ 11.1 INTRODUCTION - IT HAS GENERALLY BEEN RECOGNIZED THAT PRISON OFFICIALS ARE PRIVILEGED TO USE "USE OF FORCE" AGAINST PRISONERS IN 5 SITUATIONS. THE SITUATIONS ARE: (1) SELF DEFENSE; (2) DEFENSE OF A THIRD PERSON; (3) ENFORCEMENT OF PRISON RULES AND REGULATIONS; (4) PREVENTION OF ESCAPE; AND (5) PREVENTION OF CRIME

* EXPLAIN THE PHYSICAL ASSAULT ON BODY CAM ~~ON~~ ~~THE~~ ~~OF~~ OF VICTIM OF OVERDOSE 4-22-22

EVIDENCE THAT I CAN NOT OBTAIN:

SMITH COUNTY DA'S OFFICE HAS (1) MEDICATION PRESCRIBING DOCTOR A DR. W.B. ROGERS' MEDICAL REPORT WRITTEN FOR THE COURTS STATING OVERDOSE OCCURRED DUE TO MEDICATION; (2) DR. MICHELLE SANTOS' PhD AFFIDAVIT STATING OVERDOSE OCCURRED IN HER HOME @ SCENE OF ARREST; (3) DEPUTY BRIAN HUTCHINS ASSAULT ON HIS BODY CAM

* NO MEDICAL RECORDS FOR DOCUMENTED OVERDOSE DUE TO I WAS NOT TAKEN TO HOSPITAL.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 4-22-2022 I WAS HOME ALONE AND ATTEMPTED SUICIDE BY OVERDOSE ON PRESCRIBED MEDICATION, XANAX. THIS OCCURRED @ 17201 TRANQUILITY DR, FLINT TX 75762. INVOLVED WAS DR. MICHELLE SANDS (PH.D) (RETIRED NURSE) MARY EDISON, FRIEND GRADY HAMMONS, DILLON SANDS. DEFENDANTS ARE SCSD DEPUTIES BRIAN HUTCHINS, ROBERT GARCIA, ALANT YARBEEA. ALL 3 DEPUTIES SHOWED UP @ SCENE OF OVER DOSE. THEY CALLED IT FAMILY VIOLENCE AND ARRESTED me, DENIED ME PROPER MEDICAL AID AFTER BEING TOLD I WAS OVERDOSED. TOOK ME TO JAIL AND PHYSICALLY ASSAULTED A VICTIM OF OVERDOSE AND CALLED IT PRISONER BECAME UNMANAGEABLE IN ARREST REPORT. (BODY CAM)

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

MONETARY SETTLEMENT \$5,000,000⁰⁰, AND TERMINATE ALL DEFENDANTS @ SMITH COUNTY SHERIFF DEPT INVOLVED AND FILE CHARGES

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

STEVEN MICHAEL EDISON

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

1048971, 1067531, 0218552, 2443343

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☐

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 9-12-2023
DATE

Steven Edison
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 12th day of Sept, 20 23.
(Day) (month) (year)

Steven Edison
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.